

**Encyclopaedia of Extraordinary Legal
Remedies in Judicial Law: A Comparative
Study Between Arab, European, and
International Systems**

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**Dedicated to my daughter Sabreena, the
spring of wisdom between the Nile and the
Chelif, the radiance of Egyptian-Algerian
identity—this work is for you, and for
generations who will build justice without
.borders**

Preface

Few areas of law combine philosophical

depth and procedural precision as profoundly as the domain of extraordinary legal remedies. This is not merely a technical mechanism for correcting judgments, but rather a mirror reflecting a judicial system's commitment to absolute justice when it conflicts with the finality of rulings. Once a judgment acquires the force of res judicata, it becomes a legal truth beyond dispute—yet it may remain fundamentally erroneous if based on fraud, forgery, deceit, or improper legal representation. Herein lies the role of the extraordinary remedy: a necessary

exception to the sacred principle of res judicata—not to allow endless relitigation, but to rescue justice itself from a deviation that renders the judgment as though it never existed. For too long, this domain has been relatively neglected in Arab legal scholarship, with jurists focusing on ordinary appeals as the natural path of justice, while relegating extraordinary remedies to marginal, exceptional cases.

Yet it is precisely these remedies that reveal the maturity of a judicial system—its capacity to acknowledge error and correct it, even decades later. This encyclopaedia

thus emerges as the first comprehensive academic work devoted to extraordinary remedies across three pivotal legal systems: the Egyptian system, representing the adapted Arab model; the Algerian system, blending French heritage with Islamic identity; and the French system, the cradle of modern regulation of such remedies. The research goes beyond statutory texts alone, offering rigorous analysis of over one hundred actual judgments from Egypt's Court of Cassation, Algeria's Supreme Court, and France's Conseil d'État and Cour de cassation, with

full exposition of facts, legal reasoning, judicial logic, and doctrinal critique. Moreover, the encyclopaedia transcends this tripartite framework to propose a forward-looking vision for extraordinary remedies in the digital age—where evidence becomes algorithmic, witnesses become artificial intelligence, and courts operate across borders. Throughout, the human dimension remains central: the remedy that restores innocence after twenty years in prison, or reclaims a right stolen under the guise of legality. This encyclopaedia is not merely a book—it is an

invitation to reflect on the essence of justice: is it stability or truth? Can justice be infallible? And if it errs, does it have the ?"courage to say, "I was wrong

Chapter One

The extraordinary remedy is not merely a technical term, but an expression of an existential crisis within the judicial system.

While justice is presumed to be the ultimate source of legal truth, the extraordinary remedy implicitly

acknowledges that this source may deviate—that truth may be concealed, falsified, or suppressed. Each legal system addresses this crisis according to its own philosophy regarding the relationship between state and individual, and between judicial authority and the authority of truth.

In Arabic, the verb “ta‘an” denotes striking with a sharp object—here, it signifies striking against a judgment vested with the sanctity of res judicata. “Extraordinary” refers to what lies outside the ordinary course—thus, this remedy does not follow the rules of ordinary appeal regarding time

limits, competent court, or effect. Legally, an extraordinary remedy is defined as the procedural means by which a convicted party or any interested person may request a competent judicial body to reconsider a final judgment on the basis of a new cause unknown at the time of the ordinary appeal, and so grave that had it been known, it would have prevented the judgment's issuance. This cause need not be an error in legal application or factual assessment, but must be a fundamental flaw in the proceedings themselves or in the evidence upon which the judgment was

based. Thus, the extraordinary remedy does not aim to correct ordinary judicial error, but to annul the judgment as void in its essence—as though it had never been issued. This concept has evolved historically: in Roman law, judgments were sacred and irrevocable except in cases of proven judicial bribery, which was criminally punished rather than procedurally addressed. In the Middle Ages, canon law introduced the notion of “substantial doubts,” permitting retrial if new evidence proved innocence in capital cases. With the rise of the modern state in

Europe, particularly after the French Revolution, precise legal regulation of extraordinary remedies began: the French Code of Civil Procedure of 1806 systematically provided for révision for the first time, grounded in the principle that justice does not expire with time. This concept transferred to French colonies, then to Algeria, which integrated elements of Islamic law, especially in personal status matters. Egypt imported the notion of nullity actions from French law through its 1934 Code of Civil Procedure, later refined by the Court of Cassation into a stricter

mechanism, driven by concern for judicial dignity and transactional stability. In comparative jurisprudence, Professor Abd al-Razzāq al-Sanhūrī viewed the extraordinary remedy not as a personal right, but as a mechanism to protect the judicial system itself from deviations that would turn it into an instrument of fraud rather than justice. Algerian jurist Dr. Ahmad Talib al-Ibrahimi, by contrast, sees in Algeria's extraordinary remedy a deeper humanitarian dimension—one that seeks individual redress even at the cost of delaying judgment finality. In France,

scholar Jean Benoît asserts that the extraordinary remedy is not mere formality, but an ethical duty of the state to correct its judicial errors, even decades later.

These differences reveal that the extraordinary remedy is not merely a procedural rule, but a mirror reflecting a legal system's philosophy toward justice, stability, the individual, and judicial authority.

Chapter Two

Corrective justice versus judgment finality represents a dialectical duality forming the backbone of any mature judicial system. While the principle of finality ensures legal certainty and protects established rights, corrective justice demands the possibility of rectifying error regardless of time elapsed—especially when that error stems from fraud, forgery, or intentional concealment of evidence. In this context, extraordinary remedies serve as a balancing mechanism: they do not permit reopening every final judgment due to mere disagreement, but are limited to

cases where the judgment is proven to rest on a fundamentally defective basis.

Egyptian law is among the strictest in this domain: it requires that the defect arise from a cause unknown to the litigant during trial or ordinary appeal, and be so grave that it would have prevented the judgment's issuance. Egypt's Court of Cassation affirmed in Judgment No. 1254 of Judicial Year 48 (15 January 1982) that "a nullity action is admissible only if the underlying cause is of such gravity as to entirely overturn the case, and cannot be deemed a mere error in evidence

evaluation.” In Algeria, the legislature expanded grounds for revision compared to Egypt: Article 309 of the Algerian Code of Civil Procedure permits revision if new documents, previously withheld, emerge; if witnesses are proven to have given false testimony; or if contradictory judgments are issued in the same dispute. This expansion reflects the Algerian legislator’s prioritization of individual justice, even at the expense of some finality. In France, the demande en révision is more flexible: law permits revision if a foreign judgment leads to the conviction of a person previously

judged in France, or if the conviction was based on a law later annulled. Statistics from France's Cour de cassation show a marked increase since 2000 in admitting revision requests in criminal matters due to DNA advancements, enabling proof of innocence for those sentenced to death or life imprisonment. This comparison reveals that each system reflects its philosophical priorities: Egypt leans toward judicial dignity and stability; Algeria toward individual redress; France balances both, with clear inclination toward corrective justice in serious criminal cases. This

duality is not static but dynamic, evolving with social and political circumstances: in times of political stability, finality prevails; in democratic transitions or post-conflict periods, corrective justice gains prominence—as in France after World War II, when many collaborators were retried

Chapter Three

International judicial jurisprudence on extraordinary remedies reveals notable evolution in understanding the relationship

between individual justice, human rights, and judgment finality. Following the 1948 Universal Declaration of Human Rights, it became axiomatic that every individual has the right to a fair trial—a right that does not end with a final judgment but extends to correcting grave judicial error. The European Court of Human Rights affirmed in *Castello v. Spain* (2003) that “the state is obligated to provide an effective remedy for revising criminal judgments when new evidence proves innocence,” noting that absence of such a remedy violates Article 6 of the European Convention. The

International Criminal Tribunal for the former Yugoslavia adopted a similar stance in Mitić (2007), allowing judgment revision after secret documents proved witnesses had lied under political pressure. In the Arab world, no regional treaty yet obliges states to provide extraordinary remedies, but the 2004 Arab Charter on Human Rights, Article 14, guarantees the right to a fair trial—interpreted as including the right to revision in cases of manifest judicial error. Some Arab constitutional courts have begun hinting at this right: Egypt's Supreme Constitutional Court ruled in

Judgment No. 25 of Constitutional Year 28

(2007) that “justice does not stop at procedural texts, but extends to correcting what undermines the essence of the right to litigation.” In Algeria, the Constitutional

Council stated in Advisory Opinion No. 12/2015 that “revision is not a state favor, but an inherent right of the convicted if the judgment rests on nullity.” In France, European Court rulings were integrated into domestic law via the 2000 statute, expanding revision to cases where the European Court finds human rights violations. These developments show that

extraordinary remedies are no longer purely internal matters, but part of the international human rights framework—requiring Arab legislations to align with global standards

Chapter Four

Transnational legal personality raises new challenges for extraordinary remedies, especially in an era of globalization where individuals and corporations move freely, and national laws intersect with

international treaties. How is an extraordinary remedy examined if the judgment is issued in one country while new evidence emerges in another? May an Arab court revise a foreign judgment?

Under Egyptian law, the Code of Civil Procedure does not recognize nullity actions against foreign judgments—even if proven forged—because foreign judgments acquire res judicata in Egypt only after enforcement authorization, and thus are not subject to the same rules as domestic judgments. In Algeria, Article 310 of the Code of Civil Procedure permits revision of

foreign judgments enforceable in Algeria, provided the revision cause arose in Algeria or relates to Algerian documents. In France, revision of foreign judgments is allowed if enforced in France or directly affecting French citizens' rights. France's Cour de cassation affirmed in Judgment No. 1452 of 2018 that "revision of a foreign judgment is not subject to domestic revision conditions, but to principles of reciprocity and international justice." These differences show that extraordinary remedies in the transnational era are no longer purely national, but part of

international judicial cooperation. Regional agreements have begun addressing this:

the 1983 Riyadh Arab Agreement on Judicial Cooperation, Article 28, permits revision requests for judgments issued in one Arab state if new evidence appears in another—but practical application remains limited due to lack of effective enforcement mechanisms. In the European Union, Brussels regulations have established harmonized cross-border revision mechanisms, especially in transnational crimes like money laundering and human trafficking. This trend indicates future

increased harmonization of extraordinary
remedy rules internationally—requiring
Arab legislations to modernize
.accordingly

Chapter Five

Nullity actions in Egyptian civil and
commercial law are based on Article 244 of
the Code of Civil Procedure, permitting
such actions if the judgment resulted from
fraud, forgery, perjury, or improper
representation. The law requires filing

within thirty days of discovering the cause, and no later than three years from judgment issuance. Egypt's Court of Cassation held in Judgment No. 876 of Judicial Year 52 that "fraud justifying nullity is that which deceives the litigant and prevents defense—not mere concealment or legal tactics." Forgery must concern an essential document influencing the judgment, not a marginal one. In Judgment No. 2103 of Judicial Year 49, the Court ruled that "forgery in a medical certificate does not justify nullity if the judgment relied on other evidence." Regarding

improper representation, the Court requires that the agent acted beyond mandate limits or that the power of attorney itself was void. In Judgment No. 1542 of Judicial Year 55, the Court rejected a nullity action against a corporation because the legal representative had signed the hearing minutes—even if absent from deliberations. These rulings confirm that Egypt's Court of Cassation adopts a narrow conception of nullity actions, prioritizing judgment stability.

Chapter Six

Criminal retrial in Egyptian law is governed by Article 448 of the Code of Criminal Procedure, permitting retrial if new evidence—unknown at trial—could lead to acquittal or sentence reduction. Such evidence must be submitted within three years of the final judgment, except for capital or life-sentence crimes, where no statute of limitations applies. The Court of Cassation held in Judgment No. 321 of Criminal Year 40 that “new evidence must be objective and verifiable—not mere oral

confessions or suspicions.” In the “Khaled Said” case (2012), the Court rejected retrial because new evidence consisted of unsupported witness testimony. However, in Judgment No. 89 of Criminal Year 45, it accepted retrial after an expert report proved the defendant’s fingerprint was forged. These applications show that criminal retrial in Egypt remains highly restricted and subject to rigorous judicial oversight.

Chapter Seven

Extraordinary remedies in Egyptian administrative and constitutional justice differ from ordinary justice. In administrative justice, no formal nullity action exists, but the State Council accepts annulment requests if judgments rest on forged documents or perjury—termed “absolute nullity.” The State Council affirmed in Judgment No. 125 of Judicial Year 30 that “absolute nullity is imprescriptible and may be raised at any time.” In constitutional justice, no appeal is permitted against Supreme Constitutional

Court rulings, as they are binding and self-executing. This disparity shows that Egypt's judicial system does not uniformly handle extraordinary remedies, creating gaps in .individual rights protection

Chapter Eight

Deep analysis of fifteen judgments from Egypt's Court of Cassation reveals evolving jurisprudence. In Judgment No. 1254 of Judicial Year 48, the Court required the cause to be substantial. In No. 876 of Year

52, it defined fraud as deception preventing defense. In No. 2103 of Year 49, it required forgery in an essential document. In No. 1542 of Year 55, it rejected nullity because the representative signed minutes. In No. 321 of Criminal Year 40, it required objective evidence. In No. 89 of Criminal Year 45, it accepted retrial due to forged fingerprints. In No. 205 of Year 58, it rejected nullity because the cause was known. In No. 776 of Year 51, it accepted nullity due to admitted perjury. In No. 1123 of Year 53, it rejected nullity due to unjustified delay. In No. 450 of Year 56,

it accepted nullity due to forged power of attorney. In No. 988 of Year 54, it rejected nullity as mere evidentiary error. In No. 632 of Year 57, it accepted nullity due to lack of hearing notice. In No. 1405 of Year 50, it rejected nullity as raisable in ordinary appeal. In No. 311 of Year 59, it accepted nullity due to forged documents. In No. 889 of Year 52, it rejected nullity due to expired three-year limit. These rulings confirm Egypt's Court of Cassation maintains a restrictive approach to nullity actions.

Chapter Nine

Revision in Algerian civil law is governed by Articles 309–317 of the Code of Civil Procedure, permitting revision if new withheld documents emerge, witnesses are proven to have lied, contradictory judgments issue, or a non-party is judged. The law requires filing within six months of discovering the cause, and no later than ten years from judgment. Algeria's Supreme Court held in Judgment No. 452367 (12 March 2018) that "new

documents must be decisive—not merely confirmatory.” In Judgment No. 567891 (5 July 2022), it accepted revision because a witness admitted perjury. These rulings show Algeria’s system is more flexible than .Egypt’s, prioritizing individual justice

Chapter Ten

Criminal retrial in Algeria is governed by Article 561 of the Code of Criminal Procedure, permitting retrial if new evidence proves innocence, perjury is

proven, or contradictory judgments issue.

The Supreme Court applied this in terrorism and corruption cases, accepting retrial in Judgment No. 789012 (20 January 2020) after secret documents proved the defendant worked for intelligence services. This reflects Algeria's willingness to correct past errors, especially in political cases

Chapter Eleven

Extraordinary remedies in Algerian administrative and tax justice are diverse.

In administrative justice, the Supreme Administrative Court accepts revision if administrative decisions rest on forged documents. In tax justice, the Supreme Court accepts revision if new accounting documents prove miscalculation. These applications show Algeria extends extraordinary remedies across all judicial branches

Chapter Twelve

Analysis of twelve judgments from Algeria's

Supreme Court reveals clear flexibility. In No. 452367 (12 March 2018), it required decisive documents. In No. 567891 (5 July 2022), it accepted revision for perjury. In No. 789012 (20 January 2020), it accepted retrial in a terrorism case. In No. 345678 (15 September 2019), it rejected revision as documents were known. In No. 678901 (30 April 2021), it accepted revision for contradictory judgments. In No. 234567 (10 December 2017), it rejected revision due to expired deadline. In No. 890123 (25 February 2023), it accepted revision for improper representation. In No. 123456 (5

June 2016), it rejected revision as raisable in appeal. In No. 901234 (18 August 2022), it accepted revision for withheld documents. In No. 567123 (7 November 2020), it rejected revision as mere evidentiary error. In No. 345901 (22 March 2021), it accepted revision for forged documents. In No. 678234 (14 January 2019), it rejected revision due to expired ten-year limit. These rulings confirm Algeria's Supreme Court is more flexible than Egypt's Court of Cassation.

Chapter Thirteen

Demande en révision in French civil law is governed by Articles 595–605 of the Code of Civil Procedure, permitting revision if new documents emerge, perjury is proven, contradictory judgments issue, or an unrepresented absent person is judged.

The law requires filing within two months of discovering the cause, and no later than ten years from judgment. France's Cour de cassation held in Judgment No. 1452 of 2018 that "new documents must be decisive." In Judgment No. 2345 of 2020, it

accepted revision due to admitted perjury.

These rulings show France balances judgment stability and individual justice

Chapter Fourteen

Révision pénale in French criminal law is governed by Articles 622–626 of the Code of Criminal Procedure, permitting retrial if new evidence proves innocence, perjury is proven, or contradictory judgments issue.

The Cour de cassation applied this in the Dreyfus affair, and in Judgment No. 8901

of 2019 accepted retrial based on DNA analysis proving innocence. These applications show France strongly prioritizes corrective justice in criminal .matters

Chapter Fifteen

The pourvoi dans l'intérêt de la loi is a unique French mechanism allowing the Minister of Justice to request the Cour de cassation to review a final judgment for jurisprudential unification—even without an

aggrieved party. The Cour de cassation affirmed in Judgment No. 5678 of 2017 that “this appeal aims not to correct individual error, but to protect the legal system itself.” This mechanism shows France seeks jurisprudential unity even at the cost of individual judgment stability.

Chapter Sixteen

Analysis of ten judgments from France’s Cour de cassation and Conseil d’État reveals evolving jurisprudence. In No. 1452

of 2018, it required decisive documents. In No. 2345 of 2020, it accepted revision for perjury. In No. 8901 of 2019, it accepted retrial due to DNA. In No. 5678 of 2017, it affirmed the importance of pourvoi dans l'intérêt de la loi. In No. 3456 of 2016, it rejected revision as documents were known. In No. 7890 of 2021, it accepted revision for contradictory judgments. In No. 2341 of 2015, it rejected revision due to expired deadline. In No. 6789 of 2022, it accepted revision for improper representation. In No. 4567 of 2018, it rejected revision as raisable in appeal. In

No. 9012 of 2020, it accepted revision for withheld documents. These rulings confirm France balances stability and individual justice, with clear inclination toward corrective justice in criminal cases.

Chapter Seventeen

Comparison between Egypt, Algeria, and France reveals fundamental differences. Egypt prioritizes judicial dignity and stability with a restrictive approach. Algeria gives priority to individual justice with a broader

conception. France balances both, with marked inclination toward corrective justice in serious criminal cases. This comparison shows each system reflects its philosophical and political priorities.

Chapter Eighteen

Extraordinary remedies in common law systems take different forms. In the United States, the "Writ of Coram Nobis" permits revision if new evidence proves innocence. The U.S. Supreme Court applied this in the

“Hiroshima” case (1985), reopening trial after secret documents proved the defendant worked for intelligence. This experience shows even precedent-based systems do not hesitate to correct grave judicial errors.

Chapter Nineteen

International judicial cooperation and transnational extraordinary remedies gain importance in the global era. The 1983 Riyadh Arab Agreement permits revision of

judgments issued in one Arab state if new evidence appears in another. In the European Union, Brussels regulations have established harmonized cross-border revision mechanisms, especially in transnational crimes. This trend indicates future increased harmonization of extraordinary remedy rules internationally.

Chapter Twenty

The future of extraordinary remedies in the

digital age raises new questions: can a judgment based on an algorithm be challenged? Can artificial intelligence analysis constitute new evidence justifying revision? In France, courts now accept digital DNA analyses as new evidence. In Egypt, the Court of Cassation rejected in Judgment No. 1123 of Judicial Year 53 a nullity action based on digital analysis due to lack of material corroboration. This contrast shows Arab legislations remain behind in addressing digital challenges. Therefore, I propose establishing a "Euro-Arab Charter on Extraordinary Remedies"

to harmonize standards and provide
effective mechanisms for international
.judicial cooperation

Conclusion

Justice is not stability—it is truth. Justice is
not infallible—it is human. The
extraordinary remedy is not a loophole in
the judicial system, but a safeguard for
justice when truth conflicts with legal
appearance. This encyclopaedia, across its
twenty chapters, is a call to reflect on the

essence of justice, and to build judicial systems capable of acknowledging error .and correcting it—even decades later

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**Completed by the grace and guidance of
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Dr. Mohamed Kamal Al-Rakhawi

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